1942. IV K **File No.** B Small Holders Relief/

K

Legal **DEPARTMENT**

B **BRANCH**

P.9.E

Subject:—

Governor's Bill No. XIII of 1942

A Bill to amend

the Bombay Small Holders

Relief Act, 1938

(Amendt of ss 1, 3, 4 and 9)

Bom. Act No. V of 1942

File No. B Small Holders Relief/42

Std. Sectt. Slip 24 B e.

Bom. V of 1942 391-B.

C O N T E N T S.

Legal Department File No. B. Small Holders' Relief/42.

S.No.	Compilation No.	Subject	Pages.
		B. Small Holders' Relief(Amendment)Act,1942.	
1.	M.R.to R.D.1574 dt.18.3.42.	Draft Bill.	1 - 5.
2.	L.D.letter No. 2472,dt.19.3.42.	Forwarding Bill to the Governor.	5 -10.
3.	C.R.to L.D.No. 2473 dt.19.3.42.	Notification under S.93(1) Govt. 1 Act,1935.	11 - 13.
4.	E.I.No.3081 dt.26.3.42.	Assent of Governor to the Bill	15.
5.	G.R.L.D.No.2761 dt.27.3.42.	Publication of the Act.	17- 21.
6.	E.I.No.3136 dt.31-3-42	Authentic copy of the Bill with G.G.'s assent.	23.
7.	-	Governor's Bill No.VIII/42.	25 - 35.
8.	-	Act No. 9/42.	37 - 48.

H.V.V.
27/4.

4/5.

GOVERNOR'S BILL NO. OF 1942.

A Bill to amend the Bombay Small Holders Relief Act, 1938.

Whereas it is expedient to amend the Bombay Small Holders Relief Act, 1938, for the purposes hereinafter appearing;

Bom. VIII of 1938.

And Whereas the Governor of Bombay has assumed to himself under the Proclamation dated the 4th November 1939 issued by him under section 93 of the Government of India Act, 1935, all powers vested by or under the said Act in the Provincial Legislature;

26 Geo. 5 Ch. 2

Now, therefore, in exercise of the said powers, the Governor of Bombay is pleased to make the following Act:-

Short title and commencement.

1. (1) This Act may be called the Bombay Small Holders Relief (Amendment) Act, 1942.

(2) It shall come into force on the 31st March 1942.

Amendment of section 1 of Bom. VIII of 1938. Bom. VIII of 1939.

2. In sub-section (3) of section 1 of the Bombay Small Holders Relief Act, 1938, hereinafter called "the said Act", for the figures "1942" the figures "1943" shall be substituted.

Amendment of section 3 of Bom. VIII of 1938.

3. In sub-section (2) of section 3 of the said Act, for the words "four years" wherever they occur, the words "five years" shall be substituted.

Amendment of section 4 of Bom. VIII of 1938.

4. In sub-section (1) of section 4 of the said Act, for the figures "1942" the figures "1943" shall be substituted.

P.T.O.

5. In sub-section (1) of section 9 of the said Act, for the ~~x~~ figures "1941" wherever they occur, the figures "1942" shall be subetituted.

Amendment of section 9 of Bom. VIII of 1938.

M. V. V.
28/4.

Office of the R.L.A.

The necessary draft Bill providing for the extension of the Bombay Small Holders Relief Act, 1938 for a further period of one year, i.e. till 31st March 1943 is sent herewith. The Revenue Department should verify whether clauses 3,4 and 5 of the Bill which effect amendments in sections 3,4 and 9 of the Act carry out its intention.

2. Under executive instructions the Bill requires the previous concurrence of the Governor General before enactment. (See Secretary to the Governor's Circular (Confl.), No.201(12), dated 16th December 1939, copy attached). The subject matter of the Bill falls under entry No.21 in List II and entries Nos.4 & 8 in List III of the Seventh Schedule to the Government of India Act, 1935. As sections 3,4,6,7,9 and 11 of the Bombay Small Holders Relief Act, 1938, are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908, the Indian Limitation Act, 1908 and the Transfer of Property Act, 1882 and as the Bill is intended to extend the life of the Act for one more year, the Bill will have to be reserved for the consideration of the Governor General with reference to para.(3) of the proclamation section 107(3) of the Government of India Act, 1935. The Bill has to be passed into law before 31st March 1943.

Sd/- P.N.M.
19/2.

Remembrancer of Legal Affairs.

L.R. to R.D. No.1574 dated the 19th February 1943.

M.V.Y.
23/4.

IMMEDIATE. No.2472

Legal Department.

Bombay Castle, 19th March 1943.

From,

P.N.Kooc, Esquire, Bar-at-Law, I.C.S.,
Secretary to the Government of Bombay.

To,

The Secretary to the Governor of Bombay.

Subject:- A Bill to amend the Bombay Small Holders Relief Act, 1938.

Sir,

With reference to your Memorandum No.201(65) dated the 15th March 1943, addressed to the Revenue Department, I am desired to forward herewith a copy of the Bill to amend the Bombay Small Holders Relief Act, 1938, prepared by His Excellency the Governor under paragraph 2 of the Proclamation dated 4th November 1939 issued by him under section 93 of the Government of India Act, 1935.

2. None of the provisions of the Bill affect any special responsibility of the Governor under section 52(1) of the Government of India Act, 1935, or fall within the purview of clause(a), (b), (c), or (d) of paragraph XVII of the Instrument of Instructions to the Governor of Bombay.

3. By Bombay Act No.VIII of 1941, the operation of the Bombay Small Holders Relief Act, 1938, was extended upto 31st March 1943. Bombay Act No.VIII of 1941 was reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(3) of the Government of India Act, 1935. By your letter No.201(65) dated the 28th March 1941 the assent of the Governor General to that Act was communicated to this Department. The present Bill purports to extend the operation of the Bombay Small Holders Relief Act, 1938, for a further period of two years more, i.e. until 31st March 1945.

P.T.O.

4. The subject-matter of the Bill falls under entry No.21 in List II and entries Nos 4 and 8 in List III in the Seventh Schedule to the Government of India Act, 1935. As sections 3,4,5,7,9 and 11 of the Bombay Small Holders Relief Act, 1938, are repugnant to the provisions of the existing Indian laws contained in the Code of Civil Procedure, 1908, the Indian Limitation Act, 1908 and the Transfer of Property Act, 1882, ~~and Limitation Act, 1908~~ and as the Bill is intended to extend the life of the Act for two more years, the Bill will have to be reserved for the consideration of the Governor General with reference to paragraph (2) of the Proclamation and section 107(2) of the Government of India Act, 1935.

5. I also forward herewith six spare copies of the Bill, out of which five copies are for transmission to the Secretary to the Governor General(Public).

6. It is requested that His Excellency the Governor General may be moved to give his assent to the Bill before 31st March 1943 and to convey the assent by telegram as the old Act expires on that day and the new Act must come into force on that date.

I have the honour to be,

Sir,

Your most obedient servant,

Sd. P.N.Moos.
19/3.

Secretary to the Government of Bombay,
Legal Department.

Through

The Secretary to the Government of Bombay,

Revenue Department.

M.V.V.
28/4.

Legal Department.

The Bill to amend the Bombay Small Holders Relief Act, 1938, has been forwarded separately through the Revenue Department to the Secretary to the Governor for obtaining the assent of His Excellency the Governor General to the Bill.

2. A draft notification under section 92(1) of the Government of India Act, 1935, for applying the proposed Act to the partially excluded areas in this Province is furnished herewith. If it is decided to apply the Act to the said areas, the notification should be published in the Bombay Government Gazette on or after the date on which the Act will be published in the Bombay Government Gazette.

3. Attention of the Revenue Department is requested to this Department Circular No.7627 dated the 29th August 1941 Orders of Government on the question of application of the Act to the partially excluded areas in this Province should have been obtained and communicated to this Department at the time of forwarding the papers for obtaining assent to the Bill.

M.S.D.P.
for Secretary to the Govt. of B'bay
Legal Department.

U.R. to R.D. No.2473 dated the 19th March 1942.

M.V.V.
28/4.

NOTIFICATION.

Revenue Department.

Bombay Castle, 1943.

No. In exercise of the powers conferred by sub-section (1) of section 92 of the Government of India Act, 1935, the Governor of Bombay is hereby pleased to direct that the Bombay Small Holders Relief (Amendment) Act, 1943 (Bom. To be filled in by R.D. * ~~2 of~~ 8 of 1943) shall apply to the partially excluded areas in the Province of Bombay.

By order of the Governor of Bombay,

Secretary to Government.

N.V.V.
28/4.

No. 201 (55)

Office of the Governor's Secretary,
Government House.

From

J.B.Irwin, Esquire, D.S.O. M.C. I.C.S.

Secretary to the Governor of Bombay.

To,

The Secretary to Government,

Legal Department, Bombay.

Bombay 26th March 1942.

Subject: Bombay Small Holders Relief (Amendment) Bill 1942.

Sir,

With reference to your letter No.9472, dated the 19th March 1942, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General assented to the Bombay Small Holders Relief (Amendment) Bill, 1942, on the 25th March 1942.

I have the honour to be,

Sir,

Your most obedient servant,

Sd/-

For Secretary to the Governor of Bombay.

M.V.V.
28/4.

Acts.

Publication of the Bombay Small Holders Relief(Amendment) Act, 1942.

GOVERNMENT OF BOMBAY.
Legal Department.
Resolution No.2761.
Bombay Castle, 27th March 1942.

Letter to the Secretary to the Governor, No.2472, dated the 19th March 1942.

Letter from the Secretary to the Governor, No.201(55), dated the 26th March 1942.

" With reference to your letter No.2472, dated the 19th March 1942, I am directed to inform you that intimation has been received from the Secretary to the Governor-General (Public) that His Excellency the Governor-General assented to the Bombay Small Holders Relief (Amendment) Bill, 1942, on the 25th March 1942."

RESOLUTION:- The law should be published as Bombay Act No. V. of 1942, in the Bombay Government Gazette dated the 27th. March 1942.

2. The Act should be translated into Marathi, Gujarati, Kannada and Hindustani (in Urdu and Devnagari scripts) and the translation should be published in the Bombay Government Gazette.

3. A copy of the Act should be forwarded to the Revenue Department

By order of the Governor of Bombay,

Sd. S.E.Palekar.

for { P.H.HOOS, Secretary to Government.

To,

The Manager, Government Central Press, Bombay(with a copy of the Act and with a request that 15 gazette copies of the Act may be forwarded to the Legal Deptt.)
The Revenue Department. } With a
The Oriental Translator to Government. } copy of
The Secretary to the Bombay Legislative Council. } the Act.
The Secretary to the Bombay Legislative Assembly. }

+ With five extra copies.

M.V.V.
28/4.

No.201(55).
Office of the Governor's Secretary,
Government House.
Bombay, 31st. March 1942.

From:

J.B. Irwin, Esquire, DSO. MC. ICS.,
Secretary to the Governor of Bombay.

To,

The Secretary to Government,
Legal Department, Bombay.

Subject: Bombay Small Holders Relief (Amendment) Bill, 1942.

Sir,

In continuation of my letter No.201(55), dated the 26th March 1942, I am directed to forward herewith the authentic copy of the Bill to amend the Bombay Small Holders Relief Act, 1938, with His Excellency the Governor General's assent signified thereon.

I have the honour to be,
Sir,
Your most obedient servant,

Sd/-

For Secretary to the Governor of Bombay.

H.V.V.
28/4.